

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,) CASE NO. 8:03CR324
Plaintiff,)
vs.) ORDER
DAVID A. TERRY,)
Defendant.)

This matter is before the Court on the Defendant's motion to withdraw his motion to vacate, etc., filed pursuant to 28 U.S.C. § 2255 (Filing No. 66).

A Memorandum and Order was issued denying the § 2255 motion. (Filing No. 67.) Therefore, the motion to withdraw is denied as moot.

IT IS ORDERED

1. The Defendant's motion to withdraw (Filing No. 66) is denied as moot.
 2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

DATED this 3rd day of November, 2005.

BY THE COURT:

s/Laure Smith Camp
United States District Judge